

In this morning's meeting

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Sir I Sinclair

POSSIBILITY OF ARGENTINE ACTION AGAINST THE RN TASK FORCE

1. I was called across to the MOD at 10.00 pm last night to discuss with Mr Stewart and Mr Jackling reports on the BBC that the Argentine aircraft carrier with escorting surface ships had put to sea. Mr Stewart said that, although there was no intelligence evidence to confirm this report, Mr Nott was nevertheless concerned at the implications. We needed to decide what action to take. This depended upon whether the Argentine vessels were heading for:

- (a) the MEZ;
- (b) South Georgia;
- (c) the Atlantic where it would intercept the Task Force as it moved South.

2. Mr Nott apparently takes the view that if we did not react adequately to the threat if it materialised, and our bluff was called by the Argentines, the Government's position in Parliament would become very difficult. He has asked for urgent advice on the following:

- (a) as regards the MEZ the situation is probably satisfactory given decisions taken yesterday on instructions to our SSN in the zone. This depends of course on the precise nature of these instructions, about which I am not clear. Do they, for example, relate to enemy submarines or to submarines and surface vessels?
- (b) as regards movement to South Georgia or into the Atlantic to intercept our Task Force (paragraph (b) and (c) above) Mr Nott wondered whether there might be any advantage in declaring a zone of exclusion around South Georgia. The CDS, not surprisingly, thought this a bad idea, because it could prejudice Operation Paraquet. Mr Stewart took the view that it might be possible to rely on Article 51 and our reference to this in our announcement of the MEZ. The reference in the announcement to Article 51 might justify a wide range of actions against enemy shipping given that a hostile act had already been committed by Argentina in invading the Falkland Islands. As regards the area around South Georgia, Mr Stewart thought we might make the additional point that, since Argentina had declared its own zone and that this aided and abetted the invasion of the Falklands, any action taken by RN vessels within the zone would prima facie be an automatic exercise of the right of self defence. In floating this idea, Mr Stewart referred to earlier

RN surface vessels

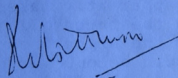
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conversations with FCO Legal Advisers who, he claimed, had made the point that self defence was not related only to naval units but to the defence of occupied territories or defence against forces assisting the illegal seizure of British territory.

3. Mr Stewart was, however, not sure that these legal interpretations would satisfy Mr Nott. The Defence Secretary was hankering after some form of public statement to the effect that British vessels reserve the right to attack all Argentine naval ships and submarines wherever they might be found in exercise of our rights under Article 51. This would apply a fortiori in the Argentine zone where we were, by definition, under threat of direct attack.

4. Mr Stewart believes that Mr Nott may return to this matter urgently. I would be grateful for advice which I can transmit to the MOD.



16 April 1982

D H Gillmore
Emergency Unit

cc: Private Secretary
✓ PS/PUS
Mr Wright
Mr Weston